

Memorandum

Date : November 9, 1995

To : All Holders of Case Analysis Manuals

From : Department of Fair Employment & Housing
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Subject: **REMEDIES UPDATE**

The purpose of this memorandum is to summarize the major changes in remedies that are available under the Fair Employment and Housing Act (FEHA), since January 1, 1993. Many of these changes modify the current Remedy Chapter of the Case Analysis Manual and are noted as such below. In 1996, a revised Remedy Chapter will be issued, incorporating the information contained in this memorandum. Place this cover memorandum in front of the Remedy Chapter's Table of Contents and read it in conjunction with the existing chapter.

This memorandum is divided into the following sections:

- I. STATUTORY CHANGES
- II. CHANGES IN REGULATION
- III. CASE LAW DEVELOPMENTS
- IV. CASE SUMMARIES
- V. INDEX OF CASE ANALYSIS MANUAL SECTIONS AFFECTED
- VI. TABLE OF COMPENSATORY AND PUNITIVE DAMAGE AWARDS IN FEHC DECISIONS (1986 - Present)

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I. STATUTORY CHANGES:

GENERAL

A. Affirmative Relief And Prospective Relief Is Defined In The FEHA

Effective January 1, 1993, affirmative relief is defined to include: reinstatement, backpay, reimbursement of out-of-pocket expenses, hiring, transfers, reassignments, grants of tenure, promotions, cease and desist orders, posting of notices, training of personnel, testing, expunging of records, reporting of records, and any other similar relief that is intended to correct unlawful practices under this part. (Gov. Code, § 12926, subd. (a).)

Affirmative or prospective relief can be ordered by the Fair Employment and Housing Commission (FEHC). (Gov. Code, §§ 12970, subd. (a)(5); 12987, subd. (a)(2).).

1. Prior Law

Under prior law, affirmative relief was not defined. However, prospective relief was, and currently still is, defined in FEHC regulations. (Cal. Code Regs., tit. 2, § 7286.9.)

2. Effect On Current Version Of Case Analysis Manual

Page 4, Affirmative or General Relief; Page 9, What Affirmative or General Relief is Required; Page 35, What Affirmative or General Relief is Required.

EMPLOYMENT CASES

B. The FEHC May Award Actual Damages, Including Damages For Emotional Distress

Effective January 1, 1993, the FEHA specifically authorizes the FEHC to award actual damages. These actual damages may include emotional damages only if the accusation prays for those damages. Actual damages may include emotional pain, suffering, inconvenience,

mental anguish, loss of enjoyment of life, and other nonpecuniary losses. (Gov. Code, § 12970, subd. (a)(3).)

Actual damages are not presumed simply because an unlawful discriminatory act occurs. The DFEH must prove actual damages by a preponderance of the evidence. In determining whether the complainant has actually been damaged, the FEHC must consider the effect of the discrimination on the victim's:

- (1) Physical and Mental well-being;
- (2) Personal integrity, dignity, and privacy;
- (3) Ability to work, earn a living, and advance in his or her career;
- (4) Personal and professional reputation;
- (5) Family relationships;
- (6) Access to the job and ability to associate with peers and coworkers.

The FEHC also must consider the duration of the emotional injury and whether the injury was caused or exacerbated by knowledge of the respondent's failure to correct the discriminatory practice. The FEHC also must consider whether the injury was caused or exacerbated by the egregiousness of the discriminatory practice. (Gov. Code, § 12970, subd. (b).)

1. Retroactive Application

These changes only apply to cases filed with DFEH that were pending on or after January 1, 1993, or administrative proceedings that were pending before the FEHC on or after January 1, 1993. (Stats. 1992, ch. 911, § 13 (AB 311).)

2. Amendment of Accusations

The DFEH may amend any accusation within 30 days of the issuance of the original accusation to pray for emotional damages. (Gov. Code, § 12965, subd. (c)(4).)

When the authorization to award emotional damages became effective, any cases that were pending before the FEHC could be amended by the DFEH to pray for either emotional injury damages, administrative fines, or both, if the amendments were made by January 31, 1993. (Stats. 1992, ch. 911, § 13 (AB 311).)

3. Limitation On Emotional Damages That May Be Awarded

The FEHA specifically states that any administrative fine combined with any damages awarded for emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses shall not exceed \$50,000 per aggrieved person per respondent. (Gov. Code, § 12970, subds. (a)(3) and (c).)

4. Prior Law

Under prior law, the awarding of compensatory damages for emotional distress was not authorized in employment discrimination cases under the FEHA as a result of the Supreme Court decision in Peralta Community College Dist. v. FEHC (1990) 52 Cal.3d 40.

5. Effect On Current Version Of Case Analysis Manual

Page 3, Affirmative or General Relief; Page 9, What Affirmative or General Relief is Required; Page 35, What Affirmative or General Relief is Required.

C. The FEHC May Order Administrative Fines

Effective January 1, 1993, the FEHC may assess an administrative fine against a respondent. (Gov. Code, § 12970, subd. (c).)

In order to assess these fines, the respondent must be guilty of oppression, fraud, or malice in the same manner as those conditions are required for the imposition of exemplary damages in court. The oppression, fraud, or malice may be expressed or implied.

Administrative fines may not be assessed against a public entity.
(Gov. Code, § 12970, subd. (d).)

1. Definition of Malice

Malice is conduct by the defendant that is intended to cause injury to the plaintiff. It is also despicable conduct by the defendant with a willful and conscious disregard of the rights or safety of others. (Civ. Code, § 3294, subd. (c)(1).)

2. Definition of Oppression

Oppression is despicable conduct that subjects a person to cruel and unjust hardship in conscious disregard of that person's rights. (Civ. Code, § 3294, subd. (c)(2).)

3. Definition of Fraud

Fraud is an intentional misrepresentation, deceit, or concealment of a material fact known to the defendant. This must be with the intention of depriving a person of property or legal rights or otherwise causing injury. (Civ. Code, § 3294, subd. (c)(3).)

4. Retroactive Application

The ordering of administrative fines only apply to cases filed with DFEH that were pending on or after January 1, 1993, or administrative proceedings that were pending before the FEHC on or after January 1, 1993. (Stats. 1992, ch. 911, § 13 (AB 311).)

5. Amendment of Accusations

The DFEH may amend any accusation within 30 days of the issuance of the original accusation to pray for an administrative fine. (Gov. Code, § 12965, subd. (c)(4).)

When the authorization to award emotional damages became effective, any cases that were pending before the FEHC could

be amended by the DFEH to pray for either emotional injury damages, administrative fines, or both, if the amendments were made by January 31, 1993. (Stats. 1992, ch. 911, § 13 (AB 311).)

6. Limitation On Administrative Fines That May Be Awarded

The FEHA specifically states that any administrative fine combined with any damages awarded for emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses shall not exceed \$50,000 per aggrieved person per respondent. (Gov. Code, § 12970, subds. (a)(3) and (c).)

7. Prior Law

Under prior law, the imposition of administrative fines was not authorized under the FEHA.

8. Effect On Current Version Of Case Analysis Manual

Page 3, Affirmative or General Relief; Page 9, What Affirmative or General Relief is Required; Page 35, What Affirmative or General Relief is Required.

D. Respondent May Remove Actions To Court

Effective January 1, 1993, where a complaint prays for emotional damages or administrative fines, the respondent may elect court action in lieu of an administrative hearing. The respondent must serve written notice of this election within 30 days of being served the accusation. (Gov. Code, § 12965, subd. (c)(1).)

Within 30 days of being served the election notice by the respondent, the DFEH or the Attorney General's Office, at the Department's discretion, must file an action in the appropriate court. (Gov. Code, § 12965, subd. (c)(2).)

1. Limitations On Remedies In The FEHA Do Not Apply In Court

In instances where the respondent has removed the action to court, the limitations on remedies that are placed on administrative hearings before the FEHC do not apply. The court may grant any relief that will further the purposes of the FEHA. (Gov. Code, § 12965, subd. (c)(3).)

2. Prior Law

Under prior law, the authority for a respondent to remove an action was not specifically authorized under the FEHA.

3. Effect On Current Version Of Case Analysis Manual

This is a new subject for the Case Analysis Manual.

HOUSING CASES

F. In Housing Discrimination Cases, The FEHC May Award Actual Damages, Which May Include Damages For Emotional Distress

The FEHA authorizes the awarding of actual damages in housing discrimination cases. (Gov. Code, § 12987, subd. (a)(4).) However, as stated in the Case Analysis Manual, the decision in Walnut Creek Manor (1991) 54 Cal.3d 245, held that an award of unlimited general compensatory damages violated the California Constitution. Since that decision, the housing discrimination provisions have been substantially amended twice (Stats. 1992, ch. 182 (SB 1234); and Stats. 1993., ch. 1277 (AB 2244).) to bring the FEHA into substantial equivalency with the federal housing discrimination laws.

As a result of these amendments, the FEHC has taken the position that the holding in Walnut Creek Manor is no longer controlling and that general compensatory damages for emotional distress may be awarded by the FEHC. (See discussion in the III. **CASE LAW DEVELOPMENTS** section below.)

1. DFEH Must Notify The Complainant That Emotional Distress Damages May Be Available Only In A Civil Action

Effective January 1, 1994, if the DFEH believes that an accusation should pray for damages for emotional distress or other intangible injuries, the DFEH must notify the complainant that these damages may be available only in a civil action. This notification must be in writing. (Gov. Code, § 12981, subd. (g).)

2. Prior Law

Under prior law, the awarding of actual damages was authorized under the FEHA. However, the California Supreme Court held that the FEHC could not award unlimited compensatory damages for emotional injuries.

3. Effect On Current Version Of Case Analysis Manual

This is a new subject for the Case Analysis Manual.

G. In Housing Discrimination Cases, The FEHC May Award Civil Penalties

Effective January 1, 1993, the FEHC was authorized to award a civil penalty against a respondent, payable to the complainant. The maximum amount of the penalty that may be awarded varies according to the number of the respondent's previous violations of the FEHA. If the respondent has two previous violations of the housing antidiscrimination provisions of the FEHA within the seven previous years, a civil penalty of up to \$50,000 may be awarded. For one violation in the preceding five years, a maximum penalty of \$25,000 may be awarded. In all other instances, the maximum penalty which may be awarded is \$10,000. (Gov. Code, § 12987, subd. (a)(3).)

1. Prior Law

Under prior law, this was not authorized under the FEHA.

2. Effect On Current Version Of Case Analysis Manual

This is a new subject for the Case Analysis Manual.

H. In Housing Discrimination Cases Brought Under The Unruh Act, Only The Housing Discrimination Remedies Available In The FEHA May Be Used.

Effective January 1, 1993, in all housing discrimination complaints under the Unruh Act, the only remedies that may be awarded by the FEHC are those remedies in the FEHA related to housing discrimination. (Gov. Code, § 12970, subd. (k).) These remedies are located primarily in Government Code section 12987.

1. Prior Law

Under prior law, this was not specified in the FEHA.

2. Effect On Current Version Of Case Analysis Manual

This is a new section for the Case Analysis Manual.

I. Either The Complainant Or Respondent May Elect To Remove A Housing Case To Court

Effective January 1, 1993, after an accusation has been issued, either the complainant or the respondent may elect to have the issue adjudicated in a civil action in lieu of an administrative action. (Gov. Code, § 12989, subd. (a).) This election must be made no later than 20 days after service of the complaint on the respondent. (Gov. Code, § 12989, subd. (b).)

1. Direct Filing Of A Civil Action By A Complainant.

Effective January 1, 1993, a complainant may file a civil action within two years after an alleged discriminatory housing practice. This may be done without filing a prior complaint with the DFEH. (Gov. Code, § 12989.1.)

2. Relief Available In A Civil Action

Effective January 1, 1993, in any civil action, filed directly by the complainant or removed from administrative action, the court may award actual damages, punitive damages, temporary or permanent injunctions, temporary restraining orders, or any other relief or order. Also, for any prevailing party, excepting the state, the court may award reasonable attorney's fees and costs. (Gov. Code, § 12989.2.)

However, for the time period January 1, 1993 through January 1, 1994, any relief that was granted pursuant to this provision of the FEHA could not affect any contract involving a bona fide purchaser who had no actual notice of the civil action or the filing of a complaint with DFEH. This restriction on relief available also applied to any sale, encumbrance, or lease involving a bona fide encumbrancer or tenant without notice. (former Gov. Code, § 12989.2, deleted by 1994 amendment.)

3. Prior Law

Under prior law, this authorization was not specified in the FEHA.

4. Effect On Current Version Of Case Analysis Manual

This is a new section in the Case Analysis Manual.

RALPH ACT

K. Damages And Fines Are Available For Violation Of The Ralph Act

Effective January 1, 1993, the FEHC may award actual damages up to \$150,000 where there is a violation of the Ralph Act, Civil Code section 51.7. (Gov. Code, § 12970, subd. (a)(4).) Additionally, the FEHC may award a civil penalty of up to \$25,000. (Gov. Code, § 12970, subd. (e).)

1. Prior Law

Under prior law, these damages were not specified in the FEHA.

2. Effect On Current Version Of Case Analysis Manual

This is a new section for the Case Analysis Manual.

II. CHANGES IN REGULATIONS

None.

III. CASE LAW DEVELOPMENTS

A. The After Acquired Evidence Doctrine May Limit Or Completely Bar Recovery By A Complainant In An Unlawful Termination Action

In two recent cases, the courts have held that after acquired evidence will not completely bar an employer from liability.

In Cooper v. Rykoff-Sexton, Inc. (1994) 24 Cal.App.4th 614, the court refused to let after acquired evidence exonerate an employer from liability in an unlawful termination action. Similarly, in McKennon v. Nashville Banner Publishing Co. (1995) 115 S.Ct. 879, the Supreme Court held that after acquired evidence did not completely bar an ADEA claim. The court held that the employee's remedy may be limited from the date of the discriminatory discharge to the date the employer discovered the misconduct which warranted termination.

However, in the most recent California case addressing the after acquired evidence doctrine, the court held that the after acquired evidence did completely bar liability. (Camp v. Jeffer, Mangels, Butler & Marmaro (1995) 24 Cal.App.4th 614.) The court distinguished the Camp case from McKennon by finding that the falsification in the Camp case went to the very heart of the employment relationship.

In Camp, the employer, because it was a contractor with the federal government, was required to certify that none of its employees were

convicted felons. The plaintiffs falsely represented to the employer that they were not felons when in fact each had previously entered a guilty plea to a felony charge and had been incarcerated. The court in Camp found that the plaintiffs were not lawfully qualified for their jobs because of their previous convictions. The court distinguished the "no felon" employment policy in Camp, which was required by law, from the policies that were violated in Cooper and McKennon because in those latter cases, the policies were self-imposed.

B. The FEHC Has Awarded Compensatory Damages For Emotional Distress In Housing Discrimination Cases

In two recent housing discrimination cases decided by FEHC, the Complainants were awarded compensatory damages for emotional distress.

In DFEH v. Diana Light, (1995) FEHC Dec. No. 95-04, the FEHC awarded \$750 in compensatory damages, and in DFEH v. Osamu Kokado, (1995) FEHC Dec. No. 95-05, the FEHC awarded \$5,000 in compensatory damages.

In both decisions, the FEHC justified its decision to award these damages based on the fact that the Walnut Creek Manor decision, which held that the FEHC could not award these damages, was interpreting an earlier version of the FEHA. The FEHC found that there had been two major reforms to the housing discrimination provisions of the FEHA since that decision, with the purpose of bringing the FEHA into substantial equivalence with the Federal Fair Housing Amendments Act of 1988 (FHAA). Since the FHAA does authorize the awarding of compensatory damages for emotional distress, the FEHC found that the Legislature must have intended for those damages to be available under the FEHA.

In examining legislative intent, the FEHC relied on Government Code section 12955.6 which states that nothing in the housing discrimination provisions of the FEHA is to be construed to provide fewer rights or remedies than those available under the FHAA. Additionally, the FEHC looked at the legislative intent language in Government Code section 12920 which states that it is the

Legislature's intent to provide effective remedies which will eliminate discriminatory housing practices.

IV. CASE SUMMARIES

A. California Cases

Accardi v. Superior Court (1993) 17 Cal.App.4th 341. Sexual harassment. Court held that where an employee's emotional distress is caused by an employer's illegal discrimination practices, a claim for emotional or psychological damage under the FEHA will not be barred by the Worker's Compensation Act.

Bihun v. AT&T (1993) 13 Cal.App.4th 976. Sexual harassment. Trial court awarded plaintiff \$3,057,369.34 which consisted of compensatory damages of \$1,500,000, punitive damages of \$500,000, prejudgment interest of \$893,698, and attorney fees which included \$450/hour for the lead counsel. Appellate Court held that damages for future loss of earnings can be awarded under the FEHA. Also, sexual harassment under the FEHA is a personal injury for the purpose of the civil code section that provides that a plaintiff shall receive prejudgment interest on an award where a defendant refuses a settlement offer and the plaintiff does better at trial.

Denney v. Universal City Studios, Inc. (1992) 10 Cal.App.4th 1226. Age and disability discrimination, retaliatory discharge. Plaintiff filed a complaint on all bases with the EEOC, however the EEOC only pursued an age discrimination claim. When questioned by the complainant, the EEOC stated that the age discrimination charge was all that was needed to start the administrative process. At the end of the one year statute of limitations, the complainant hired an attorney who advised him to amend the complaint to include the disability discrimination and retaliatory discharge claims. Appellate court held that the amended charges were not barred even though the amendment was made after the one year statute had run. The court stated that neither equity nor the purpose of the exhaustion requirement would allow barring the claims.

Ewing v. Gill Industries, Inc. (1992) 3 Cal.App.4th 601. Age discrimination - termination. Appellate Court held that the plaintiff had exhausted all administrative remedies under the FEHA when he received his right-to-sue letter even though he requested the DFEH to close his case and issue the letter.

V. INDEX OF CASE ANALYSIS SECTIONS AFFECTED

Case Analysis Manual Sections
Changed By This Update

Section Changes Contained In This
Memo

Page 4, Affirmative or General Relief

I. STATUTORY CHANGES A., B., C.
II. CASE LAW DEVELOPMENTS B.

Page 9, What Affirmative or General
Relief is Required

I. STATUTORY CHANGES A., B., C.
II. CASE LAW DEVELOPMENTS B.

Page 35, What Affirmative or General
Relief is Required

I. STATUTORY CHANGES A., B., C.
II. CASE LAW DEVELOPMENTS B.

VI. TABLE OF COMPENSATORY AND PUNITIVE DAMAGE AWARDS IN FEHC DECISIONS (1986 - Present)

DECISION (by Respondent)	NO.	DATE	BASIS AND TYPE OF ADVERSE ACTION	COMPENSATORY DAMAGES	PUNITIVE DAMAGES	ADMIN. FINES	CIVIL PENALTIES
County of San Diego	86-04	5-30-86	Disability discrimination - failure to hire	\$15,000.00			
Barton Memorial Hospital	86-06	6-12-86	Disability discrimination - termination	\$20,000.00			
Norman Green*	86-07	6-12-86	Discriminatory housing practices		\$5,000.00		
Community Hospital of San Gabriel*	86-08	7-30-86	Ancestry harassment	\$15,000.00			
Hueth & Dubravcic	86-10	9-11-86	Race discrimination - retaliatory eviction	\$7,500.00	\$3,348.00		
Vision Realty	86-11	9-11-86	Marital status discrimination - failure to rent	\$7,000.00	\$4,240.00		
Frieda/Abraham Richtiger	86-15	11-20-86	Racial discrimination - failure to rent	\$22,000.00	\$9,088.00		
Davis Realty*	87-02	1-23-87	Racial and marital status discrimination in renting	\$90,000.00			

* Precedential Decision

This award was deleted from the final order upon remand from Superior Court

DECISION (by Respondent)	NO.	DATE	BASIS AND TYPE OF ADVERSE ACTION	COMPENSATORY DAMAGES	PUNITIVE DAMAGES	ADMIN. FINES	CIVIL PENALTIES
Centennial Bank *	87-03	1-30-87	Failure to accommodate religious needs	\$10,000.00			
La Perlita Restaurant	87-05	4-15-87	Sexual harassment - termination	\$10,000.00			
Genstar Building	87-13	5-28-87	Sexual harassment	\$5,000.00	\$10,000.00		
Barnett-Clad Imported Car Center, et al.	87-15	6-25-87	Sexual harassment - termination	\$40,000.00	\$75,000.00		
The Townhouse and The Rusty Spur	87-17	8-4-87	Racial discrimination - termination	\$115,000.00			
City of San Jose	87-21	9-10-87	Disability discrimination - failure to hire	\$15,000.00			
Fresno County, Dept. of Social services	87-23	10-15-87	Disability discrimination - retaliatory termination	\$70,000.00			
Milpitas Fire Department	87-30	12-18-87	Disability discrimination - failure to promote	\$12,000.00			
HMMs Corp - Alfredo's Rest.	87-31	12-17-87	Sexual harassment - termination	\$15,000.00			
Valley Core Inc.	87-32	12-18-87	Sexual discrimination - unequal terms	\$50,000.00			

* Precedential Decision

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DECISION (by Respondent)	NO.	DATE	BASIS AND TYPE OF ADVERSE ACTION	COMPENSATORY DAMAGES	PUNITIVE DAMAGES	ADMIN. FINES	CIVIL PENALTIES
Aluminum Precision Products Inc. *	88-05	3-10-88	Physical handicap discrimination - failure to hire	\$250.00			
California State Univ., Sacramento *	88-08	5-20-88	Physical handicap discrimination - job transfer	\$75,000.00			
Beaumont Property Management	88-12	7-28-88	Racial discrimination - rental unit	\$15,000.00	\$2,410.90		
Harry Sarkisian	88-17	10-6-88	Racial discrimination - failure to rent	\$20,000.00	\$2,508.00		
Merribrook Apartments *	88-19	11-9-88	Familial status discrimination - failure to rent				
James & Iris Cash	89-05	5-25-89	Familial status discrimination - failure to rent	\$4,000.00			
John & Agnes Donahue	89-10	8-10-89	Marital status discrimination - failure to rent	\$6,000.00			
Evelyn Smith	89-11	8-10-89	Marital status discrimination - failure to rent	\$500.00			
The HMB Group	89-14	10-12-89	Sex and racial discrimination - termination	\$2,000.00			
Banks Photo Studio	89-16	11-30-89	Sexual harassment	\$5,000.00			

* Precedential Decision

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DECISION (by Respondent)	NO.	DATE	BASIS AND TYPE OF ADVERSE ACTION	COMPENSATORY DAMAGES	PUNITIVE DAMAGES	ADMIN. FINES	CIVIL PENALTIES
Madera County Civil Service*	90-03	4-26-90	Sexual harassment - constructive discharge	\$150,000.00			
Ricky's Grill	90-04	5-31-90	Sexual harassment	\$3,000.00			
Dimino & Card*	90-05	5-31-90	Denial of pregnancy disability leave	\$20,000.00			
Barbara Rosenberg, TMC*	90-09	7-19-90	Sexual harassment	\$5,000.00			
San Joaquin Answering Service	90-14	12-4-90	Sexual harassment	\$30,000.00			
Right Way Homes*	90-16	12-4-90	Racial harassment	\$100,000.00			
KNS Industries	91-07	6-6-91	Sexual harassment	#\$45,000.00	#\$40,000.00		
Livermore Joe's, Inc.	91-08	5-8-91	Sexual harassment	#\$45,000.00			
Capsule, Inc.	91-09	5-20-91	Sexual harassment	#\$15,000.00			
Huncot Properties*	91-10	5-23-91	Sexual harassment	#\$10,000.00			
Donald Schriver*	91-11	5-28-91	Sexual harassment	#\$75,000.00	#\$20,000.00		
American Medical Int.*	91-12	6-18-91	Racial discrimination	#\$15,000.00	#\$10,000.00		
Peralta Community College	91-14	7-23-91	Sexual harassment	#\$20,000.00			

* Precedential Decision

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DECISION (by Respondent)	NO.	DATE	BASIS AND TYPE OF ADVERSE ACTION	COMPENSATORY DAMAGES	PUNITIVE DAMAGES	ADMIN. FINES	CIVIL PENALTIES
San Diego Unified School District	91-15	7-23-91	Racial and religious discrimination	\$6,000.00			
Guill, Blankenbaker and Lawson*	91-16	8-1-91	Sexual harassment	\$30,000.00			
Alameda County General Services	91-18	10-10-91	Sexual harassment - termination	\$20,000.00			
James & Laurie Pierik	91-19	10-22-91	Age discrimination - failure to rent	\$4,000.00			
Cal Poly	92-06	8-14-92	Sexual harassment	\$20,000.00			
Walnut Creek Manor	92-07	9-22-92	Racial and marital status discrimination - failure to rent	\$50,000.00	\$40,635.00 \$1,161.00		
Smith, Padmos	93-01	1-25-93	Sexual harassment	\$10,000.00	\$5,000.00		
J.E. Robinson *	93-02	2-16-93	Pregnancy disability leave	\$20,000.00			
Peppi's Drive-in	93-07	11-19-93	Age discrimination - failure to hire	\$5,000.00			
Milano Joe's	94-04			\$20,000.00			
Dam Korner	94-06	4-27-94	Disability discrimination - termination	\$20,000.00			
Fidelity National	94-08		National Origin discrimination and harassment	\$7,000.00			

* Precedential Decision

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DECISION (by Respondent)	NO.	DATE	BASIS AND TYPE OF ADVERSE ACTION	COMPENSATORY DAMAGES	PUNITIVE DAMAGES	ADMIN. FINES	CIVIL PENALTIES
Fresno County	94-13		Racial discrimination and harassment	\$40,000.00			
Diana Light *	95-04	8-2-95	Physical disability discrimination - housing	\$750.00			
Osamu Kokado *	95-05	8-2-95	Racial discrimination - housing	\$5,000.00			\$10,000.00

* Precedential Decision

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